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January 20, 2017

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Mr. James Wasilak  
Chief of Zoning  
City of Rockville Department of Community Planning and Development Services  
111 Rockville Avenue  
Rockville, Maryland 20850

**Re: Shady Grove Neighborhood Center – Submission of Project Plan Application for  
Redevelopment of 2 Choke Cherry Road, 4 Choke Cherry Road, 15825 Shady  
Grove Road, and 2092, 2094, 2096, and 2098 Gaither Road**

Dear Mr. Wasilak:

Lantian/1788/Shady Grove 31, LLC, Lantian/1788/Shady Grove 31, II, LLC, Lantian/1788/Shady Grove 31, III, LLC, and Lantian/1788/Shady Grove 31, IV, LLC (collectively, the “Applicant”) is filing the required submissions (the “Application”) for a Project Plan application pursuant to Sections 25.07.02 and 25.07.07 of the City of Rockville Zoning Ordinance (the “Zoning Ordinance”). The Application seeks to redevelop the property and existing improvements at 2 Choke Cherry Road, 4 Choke Cherry Road, 15825 Shady Grove Road, and 2092, 2094, 2096 and 2098 Gaither Road (collectively, the “Property”) into a mixed-use community comprising a maximum of 1,600 multiple-unit dwellings and 330 townhouse dwellings, a maximum of 850,000 square feet of non-residential uses, including office, retail, hotel, and/or institutional uses, and attractive open areas, inviting public use spaces, and other amenities (collectively, the “Project”).<sup>1</sup> The Project, as proposed in the Application, appropriately addresses comments on Applicant’s Pre-Application Meeting Submission (PAM 2017-00098, or the “PAM”) received from City staff at the January 5, 2017 pre-application DRC meeting.

### **Property Background**

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<sup>1</sup> Adjustments in the development program to achieve any of these maximums will result in reduction of other maximums as explained in the Application’s Illustrative Phasing Plan.

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The Property is comprised of Lots 5 through 8, Danac Technological Park subdivision as depicted on Plat Nos. 8512, 8640, 8869, and 9700 recorded among the Land Records of Montgomery County between 1967 and 1970. The Property contains approximately 31 acres and is improved with approximately 435,456 square feet of office uses. The Property is currently developed with seven office building structures, large surface parking lots, and wide drive aisles. It is zoned Mixed-Use Employment ("MXE") and is a portion of the land that is bounded by Shady Grove Road to the west, Gaither Road to the north, Choke Cherry Road to the south, and Piccard Drive to the east. The Property confronts Gables' Upper Rock project to the south (zoned PD-UR), single family detached homes, townhouses, and open space in the King Farm community to the east (zoned PD-KF), office uses to the north (zoned MXE), and retail uses to the west (zoned Mixed Use Development "MXD" in the City of Gaithersburg). The Property is also easily accessible to important transportation facilities, including Interstates 270 and 370, the Intercounty Connector (MD 200), shared use paths along Shady Grove Road, Choke Cherry Road, and Gaither Road, a signed shared roadway along Piccard Drive, the Shady Grove Metrorail station, and the planned Corridor Cities Transitway (the "CCT"), as well as growing mixed-use communities such as King Farm and Crown Farm and established retail development like RIO Washingtonian Center.

### **The Project**

The Project will replace aging office buildings and expansive surface parking lots with a vibrant mixed-use community containing residential, retail, office, hotel, and/or institutional uses, a new grid street pattern to enhance connectivity, and welcoming open spaces. Specifically, in order to ensure flexibility to respond to market conditions, the Project will include a maximum of 1,600 multiple-unit dwellings and 330 townhouse units (including 12.5% Moderately Priced Dwelling Units), a maximum of 850,000 square feet of non-residential uses to include retail, office, hotel, and/or institutional uses such as housing for senior adults or nursing homes, over 10 acres of open area (approximately 3.94 acres of which will be public use space), structured parking, and other amenities.<sup>2</sup> As noted on the submitted January 20, 2017 Concept Site Development Plan, the mix of uses, areas (square footage), building locations, maximum building heights, and unit counts may vary, but not exceed the foregoing maximums. Applicant has also included a phasing chart and diagram with the Application detailing the Project's potential build-out.

The Project has been thoughtfully designed to create a dynamic neighborhood center that will serve as an complementary addition to the urbanizing Shady Grove corridor and provide a transition of appropriate scope between the intensive commercial development along Shady

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<sup>2</sup> See FN 1 above.



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Grove Road and the King Farm community. Taller but in-scale structures of up to 85 feet containing office, hotel, multiple-unit dwellings, and/or institutional uses with ground floor retail and structured parking will be located in two blocks along the western portion of the Property. The structured parking facilities are designed to include sufficient off-street spaces, offer easy connections to the Project's mix of uses, and provide direct access to Shady Grove Road (right-in/right-out) to facilitate efficient circulation while limiting traffic on Choke Cherry and Gaither Roads leading into King Farm. A new road between these two blocks will provide access to Shady Grove Road and serve as the Project's pedestrian-friendly "Main Street." The "Main Street" is envisioned to front inviting ground floor retail uses, such as a grocery store, restaurants, and other services, include generous sidewalks, and contain a central neighborhood green substantially increased since the PAM submission with an activating retail use. The "Main Street" will facilitate pedestrian and cyclist circulation by connecting the proposed mixed-use development with a new neighborhood green located in the heart of the Project and serving as an appealing gathering place for residents and visitors. Building heights and uses on the Property's eastern half will appropriately taper down in scale and intensity with townhouse structures that are located within a comfortable walking distance to the Project's mixed-use development. The Project's eastern edge also appropriately relates to the existing confronting residential uses with sufficient building setbacks, open areas, and/or landscaped buffers to comply with the Zoning Ordinance's 30-degree layback slope requirement as illustrated in the Application.

The Project will also include a network of tree-lined streets with improved alignment over the layout presented in the PAM as a result of staff comment, as well as ample sidewalks and on-street parking spaces for visitors that will provide efficient access through the Property and enhance circulation for drivers, cyclists, and pedestrians from the new development and Choke Cherry Road, Gaither Road, and Shady Grove Road. As noted above, the Project's inclusion of two structured garages accessed directly off of Shady Grove Road, combined with maintaining the existing median and right-in/right-out vehicular movements will discourage cut-through traffic and reduce impacts on the King Farm community to the Property's east. The Project also abuts the bikeway master plan crosstown routes of Upper Rock to Potomac Woods and King Farm to Tower Oaks and has been revised after the PAM submission to dedicate land along the Property's Gaither Road frontage for a shared use path, as well as accommodate the construction of a shared used path along the Property's Shady Grove Road frontage. The townhouse units will incorporate rear-loading garages accessible by alleys to promote a traditional neighborhood design.

Since the PAM submission, and at the urging of staff, Applicant has revised the Project to include public use spaces thoughtfully dispersed throughout the Project, including the enlarged central green, attractive mews for pedestrian use only, and new inviting pocket parks, in addition to the state-of-the-art stormwater management facilities, all of which are proposed to result in an over three acre reduction in the Property's impervious surface area when compared to existing

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conditions. Additionally, the Project's mixed-use structures are planned to exhibit a more contemporary design to convey a sense of energy and liveliness. In short, the Project will connect existing neighborhoods like King Farm and Upper Rock with new mixed-use infill development, provide easy access to existing and planned transportation infrastructure, offer new employment opportunities and desirable services, enhance and improve the Shady Grove corridor, provide new recreational opportunities, and build upon the existing community fabric in a compatible fashion.

### **Procedural Background**

Applicant held a pre-application area meeting on November 14, 2016, which was attended by twelve individuals. The notice list, mailing list, notice map, electronic notice sent to all homeowners and civic associations within the City, the Planning Commission, and the Mayor and Council, minutes, sign-in sheet, minutes, and affidavit associated with the November 14, 2016 meeting were submitted to the City on November 21, 2016. Applicant also filed the Pre-Application Meeting Submission (PAM 2017-00098, or the "PAM") on November 21, 2016. Applicant then attended the pre-application DRC meeting with City staff on January 5, 2017.

The post-application area meeting is currently scheduled for February 22, 2017 at 2096 Gaither Road in Rockville. Minutes of that meeting will be submitted with the affidavit package prior to DRC.

### **Compliance with the Zoning Ordinance's Project Plan Requirements**

The Project satisfies the requirements of Section 25.07.01.b.2 of the Zoning Ordinance as follows.

First, approval of the Project will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project in accordance with Section 25.07.01.b.2(a) of the Zoning Ordinance. The Project replaces an auto-oriented and dated office park with a new mixed-use community with varied building types, a walkable street grid, a thoughtful suite of public use spaces, plentiful landscaping and plantings, and state-of-the-art stormwater management facilities. Applicant has revised the street layout proposed in the PAM to improve the alignment of alley and street intersections and has enhanced the Project's public use spaces by enlarging the central green, designing the mews for pedestrian use only, and adding multiple pocket parks. Additionally, the Project is compatible with existing development by transitioning from taller building heights, non-residential uses, and structured parking along Shady Grove Road to townhouses and open areas on the Property's eastern half with appropriate setbacks from the King Farm neighborhood. The Project also limits cut-through traffic by locating structured parking along Shady Grove Road and maintaining the existing median and



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right-in/right-out vehicular circulation along Shady Grove Road. Following the PAM, the Project now incorporates the dedication along the Property's Gaither Road frontage for a shared use path, as well as the accommodation of a shared use path along the Property's Shady Grove Road frontage to improve pedestrians and cyclist access. Through infill development, the Project will integrate growing communities like King Farm and Upper Rock with existing retail and office uses in the Shady Grove corridor.

Under Section 25.07.01.b.2(b) of the Zoning Ordinance, the Project will also not be in conflict with the City's 2002 Comprehensive Master Plan (the "Master Plan"), which predates the City's comprehensive revisions to the Zoning Ordinance and City zoning map in December 2008, effective March 2009 (collectively, "RORZOR"). Prior to the RORZOR process, the Property was zoned I-3. The Master Plan recognizes that "[m]any of the I-3 properties have been developed but may have some expansion or redevelopment potential." Master Plan, pg. 2-22. The Master Plan also places the Property within Planning Area 15 (Research/Piccard/King Farm/Fallsgrove) and states "[t]here is redevelopment potential in the area on sites that were developed in the 1970s to a lower density than is currently allowed." Master Plan, pg. 12-14. Redeveloping the Property with the Project harnesses this suitability for redevelopment identified in the Master Plan. Furthermore, the Project is consistent with the Property's MXE zoning achieved through RORZOR, which "allows for medium density development of office, retail, and residential uses" and encourages "[a] mix of office and residential uses[.]" See § 25.13.02 of the Zoning Ordinance. The Project would also advance the stated goals of the Rockville 2040 – Update to the Comprehensive Master Plan citywide forums, which recently identified a desire for more housing options near transit, enhanced connectivity, and new options for activity. The Project is also consistent with the recently adopted Bikeway Master Plan, which envisions improved bicycle mobility, safety, and connectivity, by dedicating along the Property's Gaither Road frontage for a shared use path and accommodating a shared use path along the Property's Shady Grove Road frontage.

Additionally, the Project will not overburden existing and programmed public facilities as required pursuant to Section 25.07.01.b.2(c) of the Zoning Ordinance. In accordance with submission requirements, the Application includes a revised transportation scoping intake form requested and approved by staff since the submission of the PAM, which details the proposed land use density, trip generation, proposed study area of sixteen intersections with nine site driveways included, proposed access points, and statement of operations. Compliance with the City's Adequate Public Facilities Ordinance and Adequate Public Facilities Standards ("APFO" and "APFS," respectively) and Comprehensive Transportation Review ("CTR") for transportation, schools, fire/emergency service protection, water supply, and sewer service will be reviewed in further detail during review of the Application and subsequent site plan application(s) as appropriate. Applicant has submitted the revised transportation scoping intake and a receipt for a WSSC Hydraulic Planning Analysis to facilitate this review.

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Furthermore, the Project will not constitute a violation of any provision of this Code or other applicable law in conformance with Section 25.07.01.b.2(d) of the Zoning Ordinance. As shown on the Concept Project Plan included in the Application, the Project will meet and/or exceed the MXE Zone development standards of Section 25.13.05 of the Zoning Ordinance, including the layback scope regulation of Section 25.13.05.b.2(d) of the Zoning Ordinance where applicable. The Application includes an illustration depicting compliance with the layback scope requirement. Compliance with the MXE Zone development standards will be also be considered during review of subsequent site plan application(s).

The Project will also be consistent with the design guidelines applicable to all mixed use zones from Section 25.13.06 of the Zoning Ordinance. The Project envisions promoting aesthetic and visual interest by using multiple structures that step down from the more intensive commercial and multi-family uses along Shady Grove Road to the residential uses closer to the King Farm community, as well as offers differing building types and façade variations to break up massing. The Project's mixed-use development is intended to incorporate features such as street facing retail uses with ample windows, highly visible building entrances, outdoor seating areas, and pedestrian passageways, while the Project's eastern half proposes a walkable grid of tree-lined streets, pedestrian mews, pleasing pocket parks, and townhouse structures in short rows. Attention will be given to rooflines in order to provide variations, while a range of compatible building materials will be used to convey a sense of place. All mechanical equipment will also be appropriately screened.

With respect to site design and relationship to the surrounding community, the Project will provide ample setbacks and landscaped buffers from the adjacent King Farm community and utilize building heights along the eastern boundary that comply with the Zoning Ordinance's layback slope requirements where applicable. The Project will not provide direct vehicular access to adjacent residential uses. Any outdoor sales areas will be incorporated into the overall design of the building, properly defined, and sufficiently screened. Any trash and recycling areas will also be appropriately located, suitably covered or secured, and/or screened. The Project includes both off-street and on-street parking, all of which will be sited to provide safe, convenient, and efficient access for residents and visitors. The Project's parking structures will achieve a high quality design and convey an architecturally compatible appearance. The Project also intends to provide effective pedestrian and bicycle circulation through a grid network of streets with extensive sidewalks that will connect the Project's mixed-use and townhouse neighborhoods within a comfortable walking distance and include dedicating land along the Property's Gaither Road frontage for a shared use path, as well as accommodating a shared use path along the Property's Shady Grove Road frontage. Additionally, the Project includes a diverse array of pleasing and well-defined community spaces, including a central neighborhood green, pedestrian mews, pocket parks, and a "Main Street" designed to encourage street-level



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activity, as well as provides convenient connections from parking locations to the Project's mix of uses. The design and hours of operation of all delivery and loading spaces will comply with all applicable City guidelines. The Project does not propose any ancillary uses that will have a negative impact on adjacent residential uses, residentially zoned properties, or adjacent properties. The Project will also adhere to all applicable noise abatement, outdoor lighting, and landscaping regulations and guidelines.

The Project is also consistent with the special design regulations for the MXE Zone under Section 25.13.07.c of the Zoning Ordinance. Although the Master Plan does not include specific recommendations regarding building placement, the Project's proposed buildings are intended to be located close to the front property line or at a build-to line. The Project also intends to include ground floor retail and other commercial uses in the envisioned mixed-use structures. Additionally, building facades are designed to be 20 feet high and/or include an expression line at the first floor level and a defined cornice line for building facades over 35 feet high. All of the Project's sidewalks are designed to encourage pedestrian activity and intended to comply with all applicable sidewalk guidelines. The Project's on-site parking, which includes structure parking preferred in the MXE Zone, will adhere to applicable City standards and requirements based on the Project's final mix, number and square footage of uses, including structure facades and screening.

Regarding the special regulations for residential development in the MXE Zone, all residential uses are compatible with adjoining and confronting uses as the Project's multi-unit uses are proposed be sited near existing multi-family and commercial uses, and the Project's townhouse units are intended to be located proximate to the King Farm neighborhood with sufficient setbacks and layback slopes. The Project is also envisioned to include multi-unit dwellings in mixed-use structures containing ground floor retail uses. Additionally, the Project does not propose a structure containing principally office uses where residential uses exceed 20% of the gross floor area and does not include any residential uses in buildings that house primarily service industrial or other primarily industrial uses. Lastly, compliance with the additional design guidelines from Section 25.13.06 of the Zoning Ordinance, as well as with the special design regulations for the MXE Zone from Section 25.13.07.c will also be considered during review of subsequent site plan application(s).

As noted above and as illustrated in the Concept Site Development Plan, the Project will comply with the layback slope regulation, where appropriate, in conformance with Section 25.13.05.b.2(d) of the Zoning Ordinance. Applicant has also included a shadow study with the Application.

Furthermore, the Project's Concept Landscape Plan is intended to satisfy the applicable standards of the City's Landscape, Screening and Lighting Manual as the envisioned structured

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parking facilities will provide a landscaping strip at least 10 feet in width adjoining the Shady Grove Road right-of-way with proposed shade trees, bioretention facilities, and appropriate wetland species plantings. The shade trees are proposed to be planted at a distance of 40 feet on center, with evergreen shrubs at 30 inches in height above the street grade. Pursuant to the Landscape, Screening and Lighting Manual, inclusion of a low wall will permit the reduction of the shrub requirement by 50% to further reduce the visual impact of the parking facility. Additionally, the Project's lighting design will meet the standards of the City's Landscape, Screening and Lighting Manual. Compliance with the Landscape, Screening, and Lighting Manual will also be considered during review of subsequent site plan application(s).

The Project's parking facilities will adhere to applicable parking and loading requirements of Article 16 of the Zoning Ordinance based on the Project's final mix, number and square footage of uses, including structure facades and screening. Compliance with Zoning Ordinance parking standards will also be considered during review of subsequent site plan application(s). The Project's future signage will also comply with the applicable regulations of Article 18; Applicant may seek approval of a comprehensive sign package by the Sign Review Board in the future.

The materials included in the Application also demonstrate compliance with public use space requirements from Article 17 of the Zoning Ordinance. The Project incorporates a wide variety of thoughtfully dispersed public use spaces, including the pedestrian oriented "Main Street," the enlarged central neighborhood green, the modified mews to allow pedestrian only access, additional pocket parks, and areas along the Property's Shady Grove Road frontage. These areas promote an appropriate balance between the built environment, public parks, and other open spaces intended for respite from urban development, as well as protect natural features and preserve the City's character.

The Project will also comply with Chapter 10.5 (Forest and Tree Preservation) of the City Code. As noted in the submitted materials including the Preliminary Forest Conversation Plan (the "Preliminary FCP"), the Project intends to satisfy the 4.67 acre afforestation requirement through a combination of on-site afforestation planting, credits from street tree and individual landscape tree plantings, and a payment in lieu. Applicant has included with the Application written justification demonstrating that reforestation and afforestation cannot be accomplished on site. Additionally, Applicant has included written justification demonstrating the removal of eleven specimen trees. The Preliminary FCP also demonstrates the Project's compliance with applicable requirements in accordance with City practice. Approval of a Development Stormwater Management Concept Package and Preliminary Sediment Control Plan will also be considered during review of subsequent site plan application(s).



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Additionally, the Project will adhere to Chapter 19 (Sediment Control and Stormwater Management) of the City Code. The Pre-Application Storm Water Management Concept Package (the "SWM Concept Plan") states that the Project will implement environmental site design measures to the maximum extent possible ("ESD to the MEP") through a combination of green roofs on proposed commercial buildings, micro-retention / planter boxes, and street-side bio-swales, and, if necessary, the existing Shady Grove Research and Development Park regional pond. The facilities and strategies proposed in the SWM Concept Plan are intended to capture and treat runoff from the Project's impervious surface areas in order to minimize the impact of land development on downstream water resources. Approval of a Final Forest Conservation Plan will also be considered during review of subsequent site plan application(s).

Lastly, the Project will not adversely affect the natural resources or environment of the City or surrounding areas in accordance with Section 25.07.01.b.2(e) of the Zoning Ordinance. The approved NRI/FSD included in the Application notes that there are no forests, wetlands, champion trees, or rare, threatened, or endangered species on the Property. Applicant's Project will enhance the natural resources or environment of the City by, among other things, reducing reliance on the automobile by creating infill mixed-use development near existing transportation facilities, services, and employment, satisfying requirements for integrating ESD to the MEP, creating new green open areas with extensive new landscaping and tree plantings, and reducing the amount of impervious service area on the Property by over three acres. In sum, the Project will replace a site comprising mostly of surface parking lots with mixed-use development utilizing traditional urban and neighborhood design, state-of-the-art stormwater management facilities, and significant amounts of new landscaping and plantings.

#### **List of Enclosures**

- (1) Completed application dated January 18, 2017;
- (2) Application filing fee dated January 19, 2017 (including Sign Fee);
- (3) City Staff Comments from PAM 2017-00098 Pre-Application DRC with point-by-point response letter dated January 20, 2017;
- (4) Concept Site Development Plan dated January 20, 2017 (12 copies);
- (5) NRI/FSD approved by the City of Rockville in April 2016 (FTPO # 2016-00013)
- (6) Conceptual Building Elevations & Floor Plan dated January 20, 2017 (3 copies);
- (7) Revised Transportation Scoping Intake Form (12 copies);

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- (8) Concept Landscape Plan dated January 2017 (6 copies);
- (9) Preliminary Forest Conservation Plan dated January 20, 2017 ;
- (10) Pre-Application Storm Water Management Concept Package dated January 2017 (with fee via separate check);
- (11) Receipt for WSSC Hydraulic Planning Analysis dated January 12, 2017;
- (12) Fire Protection Site Plan dated January 20, 2017;
- (13) CD containing electronic copy of all materials

We look forward to working with you on the Application, which will bring a new mixed-use neighborhood close to transportation facilities, established retail and office uses, and maturing communities while creating a gateway to the City of Rockville. Please feel free to contact us if you have any questions.

Very truly yours,

**LINOWES AND BLOCHER LLP**



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Enclosures

cc: Ms. Susan Swift  
Mr. Bobby Ray  
Mr. Brian Wilson  
Mr. Larry Goodwin  
Mr. John Fitzgerald  
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Mr. Shawn Li  
Mr. Rob Goodill  
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